



DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON HESSEN
UNIT 20193, BOX 0001
APO AE 09165-0001

REPLY TO
ATTENTION OF

IMEU-HAN-MWN

17 May 2006

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: USAG Hessen Standard Operating Procedure (SOP) – Approval for Private Organizations to Operate On Installations within the USAG Hessen

1. REFERENCES:

- a DOD 5500.7-R, Joint Ethics Regulation (JER), 30 Aug 93
 - b. AR 210-22, Private Organizations on Department of the Army Installations. 22 Oct 01.
 - c. AER 210-22, Private Organization and Fundraising Policy, 2 Dec 03.
 - d. AR 215-1, Morale, Welfare, and Recreation Activities and Nonappropriated Fund Instrumentalities, 15 Aug 05.
 - e. DODI 1000.15, Private Organizations on DOD Installations, 20 Dec 05.
 - f. Army Command Policy 600-20
2. PURPOSE: To establish procedures for approval of private organizations (PO) to operate on U.S. Forces Installations in United States Army Garrison Hessen (USAG Hessen).
3. SCOPE: This SOP is applicable to private organizations wishing to operate on U.S. Forces installations in USAG Hessen, and will be provided to private organizations requesting that authorization.
4. RESPONSIBILITY: It is the responsibility of the private organization to adhere to all applicable regulations, host nation laws and to follow the provisions of this SOP.
5. APPROVAL AUTHORITY: The Commander, US Army Garrison Hessen is the approval authority for POs to operate on installations within the USAG Hessen (Hanau Community). Indirect Reporting Garrison Commanders are the approval authority for PO to operate on installations within their respective Garrisons. Commander, USAG Hessen, will approve applications for POs that desire to operate on more than one Indirect Reporting Garrison. A legal review will be made of each request to operate on an installation before the request is first approved and upon revalidation.

6. PROCEDURES:

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a. Requests for PO approval to operate on installations will be submitted to the Indirect Reporting Garrison Director, Morale, Welfare and Recreation (DMWR) Financial Management Division (FMD).

b. Upon receipt of request for approval or revalidation to operate as a Private Organization on installations within USAG Hessen, the Financial Management Division (FMD) will:

(1) Provide a copy of this SOP, electronic copies of DODI 1000.15, AR 210-22, AER 210-22 and check lists to assist applicant in obtaining authorization, or;

(2) In lieu of an e-mail, this SOP will be provided.

c. The Private Organization seeking approval to operate will submit to FMD USAG Hessen (or USAG Giessen, Wiesbaden or Baumholder) those items as enumerated in AR 210-22, para 2-1 and AER 210-22, para 4c. Items to be included are:

(1) Written application.

(2) Checklist detailing location (Chapter, paragraph) of statements required (IAW AR 210-22 and AER 210-22) to be included the Constitution and/or By-Laws.

(3) Two copies of the charter, article of agreement, constitution, bylaws, or other authorization documentation acceptable to the installation commander. If affiliated with a national, regional or State organization, the PO will include documentation of the parent organization.

(a) The Constitution or By-Laws must identify the community in which they wish to operate (e.g. for Hanau – USAG Hessen (Hanau Community), USAG Wiesbaden, etc.).

(b) The Constitution or By-Laws must properly identify 7th Army in lieu of USAREUR.

(c) The Constitution or By-Laws must contain that neither the USAG Hessen (Hanau Community), 7th Army nor the Government is liable for any of the POs actions or debts.

(d) The Constitution or By-Laws must state that the Director, IMA-Eur or the USAG Hessen Commander, or the Garrison Commander in which the PO is operating, may revoke permission to operate on the installation at any time.

(e) The Constitution or By-Laws must contain a statement that at least 51 percent of PO members must have SOFA status.

(f) The Constitution or By-Laws must state that the PO has a treasurer who is an elected officer or who serves as a member of its governing board. The treasurer must be an active

member and must have SOFA status if the PO has an account with a military banking facility. The president of the PO also must have SOFA status.

(g) The Constitution or By-Laws must state that the PO will not accept commercial sponsorships or advertise in any way for a commercial enterprise or entity on an installation.

(h) Constitution or By-Laws must state that the PO will not conduct any fundraising or resale activities without the prior approval of the Garrison Commander.

(i) Any other documentation that states the PO's nature, functions, objectives (including planned use of funds), and activities.

(j) An explanation of membership eligibility and responsibilities for all management functions (including accountability of assets, coverage and limitation of insurance and disposition of remaining assets on breakup of the PO).

(k) A statement of the PO's liability, if assets are not enough to cover all PO debts. The statement of liability will include a provision that all State and jurisdictional laws are met. Also, it will address the extent of the PO members' personal liability for debts of, or claims against, the PO.

(l) Agreement to reimburse the Army for utility expenses, unless use is incidental (would cost more to bill and collect than it costs to provide the utility).

(m) A statement that the PO will neither propagate extremist activities nor advocate violence against others or the violent overthrow of the Government.

(n) A statement that PO activities will not seek to deprive individuals of their civil rights.

(o) A list of the PO's officers with their addresses, telephone numbers, and e-mail addresses (This list may be submitted after approval to operate if officers have not yet been elected officially).

(p) The location and types of on-post bank accounts and the account numbers (this information may be provided after approval to operate is granted if accounts have not yet been established).

(q) Proof of insurance and bonding.

(r) If affiliated with a national, regional, or State organization, the PO must include documentation of the parent organization.

(s) A copy of any insurance policy against liability, claims, property damage claims, or other legal actions arising from PO activities, one or more of the PO's members acting on its behalf, or

the operation of any equipment, apparatus, or device under the control and responsibility of the PO.

(t) A copy of a fidelity bond for members or employees handling monthly cash flow exceeding \$500 (Bonding will be equal to the normal maximum amount of cash handled).

(u) A copy of any insurance policy covering the PO's activities, or a statement from the parent organization indicating that its policy covers the local organization.

d. Upon receipt of the above documentation, the FMD POC will create a file for that PO containing names, telephone numbers and email addresses necessary to communicate with the requesting PO and will:

(1) Route a complete packet containing all documentation to: Administrative Law Attorney, (Hanau, Wiesbaden, Giessen, Baumholder) Legal Center; for legal review.

(2) Create a suspense of one (1) month to receive information on the legal review. At the end of one (1) month, the FMD will submit a written request to Legal for information and inform the PO via email of the delay.

(3) On receipt of notification by Hanau (Wiesbaden, Giessen, Baumholder) Legal Center of the legal sufficiency of the documents submitted, prepare memoranda for signature by Commander, USAG Hessen or Indirect Garrison Commander as appropriate, authorizing the PO to operate and to utilize banking services in the Indirect Garrison to which the PO applied.

(4) Prepare suspense for receiving required reports and the required date for re-validation request.

(5) Indicate on the file the contents and the date re-validation request is due.

(6) Should the Legal Center deem the documentation legally insufficient, the PO will be notified and the entire packet returned to them for any corrective action and re-submission, if appropriate.

e. The Private Organization granted authorization to operate will adhere to the reporting requirements contained in Section II, Chapter 4d, AER. 210-22 (page 3).

f. Revalidation. POs will request revalidation no less than 90 days prior to the expiration of their current authorization by submitting that documentation outlined in paragraph 6c(1) through 6c(3)(n) of this SOP, minutes or summaries of meetings, list of major changes in documents or provisions, plus a copy of their yearly audit report or financial review.

g. Failure to submit revalidation request may be grounds for the approving authority to revoke banking privileges.

7. Authorization to operate may be withdrawn at any time at the discretion of the Director, IMA-E, the USAG Hessen Commander or delegated authority, or the CG 7th Army.

8. Reporting requirements. Indirect Reporting Garrison DMWRs will submit a report by the 5th of each month to the USAG Hessen DMWR FMD. An electronic template will be provided to Indirect Garrison FMDs for use in submission of this report.

(1) Reports will include the following information:

(a) List of all PO's currently approved to operate on post.

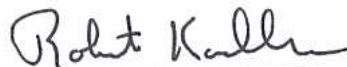
(b) Date approval was granted to operate on post.

(c) Date revalidation is due.

(d) Status of revalidation actions for all PO's within 90 days of revalidation due date (or those whose approval has expired).

9. Fundraising. Fundraising procedures are contained in a separate Command Policy Memorandum available from your local DMWR FMD or at <http://www.104thasg.hanau.army.mil/sites/commander/policyletters.asp>.

10. POC for this SOP is Chief, Financial Management Division, USAG Hessen DMWR, 323-3905.



ROBERT KANDLER

Deputy to the Commander

DISTRIBUTION:

Commander, USAG Wiesbaden

Commander, USAG Baumholder

Commander, USAG Giessen

DMWR, USAG Hessen

Indirect Reporting Garrison DMWR's

SJA